

IN THE COURT OF APPEALS 10/31/95

OF THE

STATE OF MISSISSIPPI

NO. 95-CC-00228 COA

MISSISSIPPI EMPLOYMENT SECURITY COMMISSION

APPELLANT

v.

MARK W. PICKICH

APPELLEE

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND
MAY NOT BE CITED, PURSUANT TO M.R.A.P. 35-B

TRIAL JUDGE: HON. JERRY O. TERRY

COURT FROM WHICH APPEALED: HARRISON COUNTY (2ND DIST.)

ATTORNEY FOR APPELLANT:

PATRICK M. TATUM

ATTORNEY FOR APPELLEE:

PRO SE

NATURE OF THE CASE: UNEMPLOYMENT COMPENSATION

TRIAL COURT DISPOSITION: COMPENSATION GRANTED TO CLAIMANT, REVERSING
DETERMINATION OF MESC BOARD OF REVIEW

BEFORE FRAISER, C.J., COLEMAN, AND SOUTHWICK, JJ.

SOUTHWICK, J., FOR THE COURT:

Mark W. Pickich claimed entitlement to unemployment compensation benefits when he left his employment with Southeast Sales. He was initially granted benefits but that decision was reversed by a Referee of the Mississippi Employment Security Commission's Board of Review. The Referee's decision was reversed by the Circuit Court of the Second Judicial District of Harrison County and compensation was reinstated. The MESCS now appeals.

Pickich was hired as a manager in training by Southeast. Pickich was to be trained for three to four months and then allowed to represent the company as a traveling salesman. As a part of the sales position, Southeast provided a van and required that the salesman driving the van be insurable under Southeast's automobile policy. Unfortunately for Pickich, his driving record made him uninsurable and, consequently, ineligible to use Southeast's vehicle. The Referee found that Pickich was informed by Southeast that he would continue in the training program until his driving record could be cleared sufficiently to allow him to be included under its insurance. The length of time this would take is unclear, but the prospect of having the matter resolved within three to four months was discussed. Faced with the delay of several more months in training, Pickich resigned.

The question presented to us is purely legal: whether an employee who voluntarily quits his employment is entitled to unemployment compensation benefits because his prospects for advancement in his former position are delayed by a few months. Our answer is that he is not entitled to compensation. *Sunbelt Ford-Mercury, Inc. v. Mississippi Emp. Sec. Comm'n*, 552 So. 2d 117, 118-20 (Miss. 1989). After careful review and consideration of the record and brief, this Court concludes that the Findings of Fact and Opinion of the Referee were correct and reverses the Circuit Court.

THE JUDGMENT OF THE CIRCUIT COURT OF THE SECOND JUDICIAL DISTRICT OF HARRISON COUNTY IS REVERSED AND THE OPINION OF THE APPEALS REFEREE REINSTATED. ALL COSTS OF THIS APPEAL TAXED TO THE APPELLEE.

FRAISER, C.J., BRIDGES, P.J., BARBER, COLEMAN, KING, McMILLIN, AND PAYNE, JJ., CONCUR.

THOMAS, P.J., AND DIAZ, J., NOT PARTICIPATING.